



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
AUG 06 2002
TECH CENTER 1600/2900

Application of:-)	Art Unit: 1627
FOWLKES, et al.)	Examiner: PONNALURI
Serial No.: 09/050,359)	Washington, D.C.
Filed: March 31, 1998)	August 5, 2002
For: IDENTIFICATION OF DRUGS)	Docket No.: FOWLKES=4B
USING COMPLEMENTARY)	Confirmation No.: 6741
COMBINATORIAL LIBRARIES)	

#29
Supp
8-8-02

REQUEST TO VACATE

USPTO
BOX SEQUENCE
P.O. Box 2327
Arlington, VA 22202

BEST AVAILABLE COPY

S i r :

Applicants request that the notice to comply with the sequence rules (paper 28) mailed July 25, 2002 be vacated.

A Sequence Listing was first filed on July 14, 1998, in response to an April 4, 1998 Notice to Comply.

Errors were detected (use of X instead of N) and called to our attention in an August 15, 2000 notice, to which we responded on September 8, 2000.

Prosecution on the merits then commenced.

In the course of prosecution, Applicants noticed a typographical error in SEQ ID NO:118. On May 15, 2002, they filed an amendment which amended page 121 of the specification to more clearly identify SEQ ID NOs:118-120 and correct SEQ ID NO:118, and provided a substitute page 167 for the sequence listing.

The July 25 Notice alleges that the application "clearly fails to comply with the requirements of 37 CFR 1.821-1.825". However, the only deficiency specifically identified is in §7: "All of the sequences in the specification do not comply with the sequence rules (i.e., see specification page 94, 97, 112....)".

BEST AVAILABLE COPY

USSN - 09/050,359

On page 94, there are sequences at lines 7-13 and 16-19. On page 97, there are sequences at lines 2-14. On page 112, there are sequences at lines 4-9 and 20-23.

Referring to the amendment of July 14, 1998, page 5 amended specification page 94, lines 7-13 and 16-19. Amendment pages 5-6 amended specification page 97, lines 2-14. Amendment page 10 amended specification page 112, lines 4-9 and 20-23.

Plainly, all of the pages cited in the July 25 notice have been addressed.

Consequently, the notice should be vacated on the grounds that

- (1) it is moot in that all the deficiencies specifically noted were addressed on July 14, 1998;
- (2) it is incomplete in that any other deficiencies are not pointed out with the particularity required by 37 CFR §1.104.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: _____

Iver P. Cooper
Reg. No. 28,005

624 Ninth Street, N.W.
Washington, D.C. 20001
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
IPC:lms
G:\BN\N\Nova\Fowlkes4B\pto reqtovacate.wpd

BEST AVAILABLE COPY